

REMARKS

Applicants thank the Examiner for withdrawing the rejection of claim 4 and the rejection of claims 1-3 and 5-13 under 35 U.S.C. § 103(a) and the rejection of claim 5 under 35 U.S.C. § 112. Applicants have amended claims 1 and 9. Support for these amendments can be found in the specification at, for instance, pages 2 and 5-14. Thus, no new matter has been added to the claims by way of these amendments. Applicants also canceled claim 2.

Claims 1, 3, 4, 9-12, 15, and 16 are now pending in this application.

Rejection under 35 U.S.C. § 102

The Examiner rejected claim 1 under 35 U.S.C. § 102(e) as being anticipated by Ginsberg *et al.* (U.S. Patent No. 6,066,778). Specifically, the Examiner stated that “Ginsberg *et al.* teach methods of making a transgenic animal expressing factor V proteins (see abstract) wherein DNA constructs identical to that of present Claim 1 are used.” Office Action at 4. Applicants respectfully traverse. However, merely to expedite prosecution, Applicants have added the phrase “wherein the DNA sequence functioning as a promoter is the DNA sequence for the human platelet glycoprotein IIb (GPIIb) promoter” to claim 1. Applicants also canceled claim 2.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” M.P.E.P § 2131. Ginsberg *et al.* does not disclose DNA constructs that contain the human

platelet glycoprotein IIb (GPIIb) promoter. Further, the Examiner stated that claim 2 “would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.” Office Action at 5. Therefore, Applicants respectfully request the Examiner to withdraw the rejection.

Rejection under 35 U.S.C. § 112, first paragraph

The Examiner rejected claims 9-12 and 15-16 under 35 U.S.C. § 112, first paragraph, because the specification “does not reasonably provide enablement for a process for the production of a blood coagulation factor in any hematopoietic cell by transfecting any hematopoietic cell” Office Action at 5. Applicants respectfully traverse. However, merely to expedite prosecution, Applicants have replaced the word “hematopoietic” in lines 2 and 3 of claim 9 with “megakaryocyte.” The Examiner stated that this rejection could be overcome by such a substitution. *Id.* Therefore, Applicants respectfully request the Examiner to withdraw the rejection.

Claim Objections

The Examiner objected to claims 2-4, as being dependent upon a rejected base claim. Office Action at 5. As discussed above, Applicants have amended claim 1 and canceled claim 2. Claims 3 and 4 depend upon amended claim 1. Applicants respectfully assert that, for reasons detailed above, claim 1 is allowable, as amended. Therefore, Applicants request the Examiner to withdraw the objection to dependent claims 3 and 4.

Conclusion

In view of the foregoing amendments and remarks, Applicant respectfully requests the reconsideration and reexamination of this application and the timely allowance of pending claims 1, 3, 4, 9-12, 15, and 16.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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